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Summary of other stakeholders' submissions on Algeria*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 18 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[2]

2. Joint Submission (JS) 2 recommended that Algeria accelerate the ratification of the Convention for the Protection of all Persons from Enforced Disappearance.[3] Alkarama recommended that the Government ratify the Rome Statute of the International Criminal Court Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[4]

3. Four Freedoms Forum (FFF) recommended that the Government provide a timetable to ensure ratification of all human rights treaties as well as implementation of UPR accepted recommendations; and request assistance for capacity building.[5]

4. Alkarama regretted that the authorities refused to implement the concluding observations of the treaty bodies or the decisions they made on individual cases. Alkarama also indicated that the authorities continued to refuse to cooperate with the special procedures, despite the recommendations they had received in this regard during the previous cycle. In particular, that refusal affected the clarification of the cases pending before the Working Group on Enforced or Involuntary Disappearances.[6] Alkarama recommended that Algeria act on the recommendations contained in the concluding observations and the decisions of the treaty bodies, as well as the opinions rendered by the

* The present document was not edited before being sent to United Nations translation services.

Working Group on Arbitrary Detention. The situation of the cases pending before the Working Group on Enforced or Involuntary Disappearances should also be clarified.[7] JS2 recommended that the Government accept the visit request of the Working Group on enforced or involuntary disappearances and invite the Special Rapporteurs on Torture and on the Promotion of Truth, Justice, Reparations and Guarantees of Non -Recurrence.[8]

5. Amnesty International (AI) stated that the authorities continue to deny long-standing requests to visit by UN Special Procedures, including the Special Rapporteurs on torture, on human rights and counter-terrorism, and on the right to freedom of assembly and association, as well as the Working Group on enforced or involuntary disappearances.[9] Human Rights Watch (HRW) recommended that Algeria cooperate fully with the Human Rights Council, including with its independent experts, in particular by responding promptly and favourably to their requests for a visit, by issuing and honouring standing invitations to the United Nations experts and working groups on human rights.[10] JS5 recommended that Government extend a standing invitation to all UN Special Procedure mandate holders.[11]

6. AI regretted that the authorities did not grant visas to human rights NGOs seeking access to the country thereby hindering independent monitoring of the human rights situation.[12] HRW recommended that Algeria promptly issue visas to representatives of human rights organizations requesting to travel to Algeria for field research.[13]

7. The National Advisory Commission for the Promotion and Protection of Human Rights was of the view that some of the voluntary commitments of Algeria[14] in the context of its candidacy for membership of the Human Rights Council for the period 2014-2016 had not been fully honoured.[15]

8. JS5 recommended the Government to systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical consultations with a diverse range of civil society actors; incorporate the results of the UPR into its human rights action plans, taking into account the proposals of civil society; and present a midterm evaluation report to the Human Rights Council.[16]

B. National human rights framework[17]

9. JS1 recommended Algeria to adopt a legislative framework in accordance with international conventions, particularly the Geneva Convention relating to the status of refugees and its additional protocol, and the Convention for the protection of migrant workers and their families. Repeal Act 08/11 relating to the entry and residence of foreigners in Algeria as well as Act 09/06 which criminalises the departure from the national territory without travel documentation.[18]

10. The National Advisory Commission for the Promotion and Protection of Human Rights stated that the most important legislative development since the previous review of Algeria was still the constitutional reform of 2016. Nonetheless, the Commission was of the view that the absence of implementing legislation continued to be a problem with regard to the strengthening of the legal human rights framework.[19]

11. The Commission recommended that Algeria continue strengthening the legal and institutional human rights framework by adopting the implementing legislation indispensable to the effective exercise of the rights enshrined in law, bringing the legal system into line with the new constitutional provisions and establishing a permanent, high-level working group on human rights.[20]

12. The Commission indicated that the national human rights institution had been constitutionalized in 2016 by the establishment of a national human rights council that would have a strengthened mandate and be in conformity with the Paris principles.[21] The Commission added that a bill defining the rules for the organization and work of the council was being discussed in parliament.[22]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[23]

13. JS4 stated that despite the constitutional guarantee of the right to non-discrimination, lesbian, gay, bisexual and transgender (LGBT) persons continued to be subjected to discriminatory acts that marginalized them even more, that limited opportunities to set up associations for the promotion of LGBT rights and that made greater awareness of their existence nearly impossible.[24] *FLD reported that accusations related to being anti-Islam are also used against human rights defenders addressing LGBTI rights, who face stigmatisation and persecution and are forced to work maintaining a very low profile.*[25] JS4 recommended that Algeria introduce legislation to combat discrimination, including discrimination on grounds of sexual orientation and gender identity, that it define homophobic crime and that it impose severe criminal penalties for homophobic acts and discrimination on grounds of gender identity and sexual orientation.[26]

14. JS4 found it regrettable that the Criminal Code described homosexual sex as unnatural and considered it to be immoral.[27] JS4 recommended that Algeria repeal the articles of the Criminal Code that criminalized homosexual sex.[28]

15. JS4 indicated that hate speech and incitement to hatred targeting the LGBT community had become common even in the media. Prominent religious figures took to television studio sets and encouraged violence against homosexuals.[29] In addition, health workers still viewed homosexuals as persons with psychological disorders.[30] There was a lack of activist human rights and feminist associations owing to the fear that taking a public stance in favour of LGBT rights would result in the immediate withdrawal of accreditation.[31] JS4 recommended the adoption of legal reforms to prevent, penalize and eliminate discrimination, including discrimination on grounds of sexual orientation and gender identity.[32]

Human rights and counter-terrorism[33]

16. Alkarama noted that the Criminal Code did not define terrorism precisely and that it criminalized acts that were instances of the exercise of the freedoms of opinion, expression and peaceful assembly.[34] With regard to terrorism, the right to counsel — already limited — was not observed.[35] Alkarama recommended that Algeria define terrorism as it was defined by international standards and that it accept the request for a visit made by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.[36]

17. AI noted that the authorities and media continued to regularly report scores of killings of members of armed groups by the security forces while disclosing few details, prompting concerns that some may have been extra-judicially executed.[37]

2. Civil and Political Rights

Right to life, liberty and security of person[38]

18. AI recalled that, although no executions had been carried out in Algeria since 1993, the authorities did not support previous UPR recommendations aimed at abolishing the death penalty. AI added that, since 2012, courts had continued to issue death sentences, mostly on murder and terrorism charges. In 2014, the authorities expanded the scope of the death penalty to anyone who abducts and kills a child.[39] At least 40 people had been sentenced to death in 2015.[40] AI recommended that the Government commute all death sentences and reduce the number of crimes punishable by death, with a view to abolishing capital punishment.[41]

19. JS5 recommended that the Government investigate all instances of extra-judicial killing and excessive force committed by security forces while monitoring protests and

demonstrations; and review existing human rights training for police and security forces with the assistance of civil society to foster more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.[42]

20. JS2 regretted that Algeria had refused, during its previous UPR, all recommendations related to protecting people from enforced disappearance.[43]

21. Alkarama stated that it had documented many arrests carried out by plain-clothed officers who, acting without a warrant, did not identify themselves or indicate the reasons for the arrests they made.[44] Alkarama recommended that Algeria ensure that articles 9 and 14 of the International Covenant on Civil and Political Rights are respected during all arrests, including by allowing the persons arrested immediate access to counsel.[45]

22. Alkarama indicated that for crimes considered to be terrorist or subversive crimes, the 48-hour period of police custody, the maximum legal length, could be extended up to five times, or for a total of 12 days. In practice, the period was routinely extended. Alkarama was of the view that the period was too long, given international standards, and could expose the person in custody to torture. [46] Alkarama recommended that the Government shorten the maximum period of police custody to 48 hours for all crimes and that it allow immediate access to counsel.[47]

23. Alkarama noted that the law did not establish that all statements proven to have been obtained under torture were inadmissible as evidence in legal proceedings.[48] Alkarama recommended that the State incorporate a provision excluding evidence obtained under torture in its Code of Criminal Procedure, in accordance with the Convention against Torture.[49]

Administration of justice, including impunity, and the rule of law[50]

24. According to the National Advisory Commission for the Promotion and Protection of Human Rights, the constitutional reform had resulted in considerable changes to the justice system, including legal assistance for impoverished persons, pretrial detention as a measure to be taken in exceptional circumstances, the regulation of police custody, the independence of the judiciary, the protection of judges and lawyers from all forms of pressure and legal safeguards against all forms of pressure.[51]

25. Alkarama indicated that despite the reforms, the executive was still playing a leading role in the appointment of judges.[52] Alkarama recommended that Algeria ensure the independence of the Supreme Council of the Judiciary by providing for the election of the majority of its members.[53]

26. HRW noted that perpetrators of human rights crimes during the internal armed conflict of the 1990s continued to enjoy impunity under the Charter on Peace and National Reconciliation. It added that authorities had regularly prevented families of the disappeared from holding sit-ins or demonstrations, and associations representing them continued to face obstacles to legal registration.[54] HRW recommended that the Government redouble efforts to shed light on the unresolved cases of enforced disappearances; cease intimidation of the families of the disappeared; and allow them to demonstrate freely.[55]

Fundamental freedoms and the right to participate in public and political life[56]

27. Front Line Defenders (FLD) recalled that during its second review, Algeria accepted a number of recommendations relevant for the situation of human rights defenders,[57] freedom of expression, association and peaceful assembly, media freedom and freedom of religion. FLD considered that, despite the positive reforms introduced in the Constitution, human rights defenders continued to face significant restrictions to their work.[58] Furthermore, human rights defenders, journalists, lawyers and bloggers had been harassed and subjected to police inquiries, prosecution and false charges. LGBT rights defenders continued to face stigmatization and persecution and labor rights defenders organizing protests were also targeted.[59]

28. Reporters without Borders (RSF) reported that Algeria was ranked 129th out of 180 countries in its 2016 World Press Freedom Index, ten places lower than in the 2015 Index.

It noted that the amended Constitution guaranteed freedom of the print, broadcast and online media. However, it also established broad exceptions on the basis of the "respect of the Nation's religious, moral and cultural characteristics and values." Additionally, legislation had not been harmonised yet with the new Constitution and Algeria's international obligations.[60]

29. FLD indicated that journalists and media outlets had reported that they operated in a restrictive environment and were forced to exercise self-censorship. Some media outlets had been suspended or closed down.[61] JS5 considered that the Government had not implemented any of the recommendations it accepted during its previous review on freedom of opinion and expression.[62]

30. JS5 recommended that the Government ensure freedom of expression and media freedom by harmonising all national legislation with international standards; reform defamation legislation in conformity with ICCPR; remove restrictions on freedom of expression; and adopt a framework for the protection of journalists from persecution, intimidation and harassment.[63] FLD recommended that Algeria fully implement the recommendations made by the Special Rapporteur on the freedom of opinion and expression following his 2011 visit.[64] HRW recommended the release of all persons who were detained solely for having exercised their freedom of expression peacefully.[65]

31. JS5 expressed concern at Article 144bis of the Penal Code which criminalises defamation of the President and insulting Islam with a prison term up-to five years and a fine of up to 100,000 dinars[66] and recommended that the Government reform defamation legislation in conformity with ICCPR.[67]

32. According to FLD, a number of international human rights groups had attempted to visit the country on numerous occasions, but were refused entry visas. Foreign journalists also faced difficulty in obtaining visas to visit the country.[68] RSF recommended that the Government issue visas and accreditation without restriction to foreign journalists, and guarantee them freedom of movement without a security services escort.[69]

33. JS5 indicated that some of the most visible and critical CSOs in Algeria report sustained and unwarranted digital and physical surveillance of their activities. Various CSO leaders have faced harassment by the Algerian authorities and arbitrary detention due to their legitimate work.[70] JS5 recommended that the Government ensure that human rights defenders are able to carry out their legitimate activities without fear or undue obstruction; initiate a consolidated process of harmonisation of legislation which restricts the work of human rights defenders in line with the United Nations Declaration on Human Rights Defenders; publicly condemn, at a senior level, instances of harassment and intimidation of civil society activists and organisations.[71] JS5 also recommended that all demonstrators, journalists and human rights defenders detained for exercising their right to freedom of peaceful assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.[72]

34. JS5 considered that the Government had not implemented the recommendations it accepted on freedom of association during its previous review, even less the other it noted.[73] Alkarama noted that in 2014 Algeria had re-elected President Bouteflika in elections characterized by record low turnout and despite the President's pledge not to run for a fourth term. The opposition had denounced massive fraud.[74]

35. JS5 reported that freedom of association was governed by the 2012 Law on Association (Law 06-12 adopted in 2012), which required all organisations to reapply for registration and receive explicit authorisation from the Ministry of Interior before being able to operate legally. This Ministry had the power to refuse to register an organisation on vague and ambiguous grounds and without possibility of appeal. The Ministry of Interior could also dissolve registered organizations or suspend their activities if they had not obtained prior permission to receive foreign funding or if they conducted activities considered as an interference in the internal affairs of the country.[75]

36. FLD noted that 2014 was set as a deadline for all organizations to re-register under law 06-12. Authorities were required to issue a receipt acknowledging that the documents for registration had been submitted. FLD had received reports that authorities failed to

provide the receipt. In the absence of such receipt, organizations could not open a bank account or rent an office in their own name.[76] According to Alkarama, two thirds of the 93,000 associations officially registered in late 2011 by the Ministry of the Interior either had disappeared or had not applied for the renewal of their accreditation in 2015.[77]

37. The National Advisory Commission for the Promotion and Protection of Human Rights encouraged the Government to review Act No. 12-06 to respond better to the concerns of the non-governmental sector.[78] JS5 recommended that Algeria adopt the Best practices on freedom of peaceful assembly put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his 2012 annual report which call for simple notification rather than explicit permission to assemble; [79] remove all undue restrictions on the ability of civil society organizations to receive international and national funding; immediately reinstate all civil society organizations which have been arbitrarily sanctioned or deregistered; and guarantee the independent functioning of autonomous trade unions.[80] JS4 recommended that Algeria draft a new law on associations that was in line with international human rights law and that provided for a notification procedure rather than a requirement for prior authorization; a simple, non-discriminatory, swift and free procedure for the constitution of associations; and the right to create associations that promoted the rights of LGBT persons.[81]

38. JS1 indicated that despite the lifting of the state of emergency in 2011, demonstrations still required prior authorization, unauthorized demonstrations were considered illegal and demonstrators were at risk of prosecution.[82] AI indicated that authorities often responded to social and economic grievances by forcibly dispersing demonstrations and continued to arrest and prosecute peaceful activists demanding better working conditions and standards of living, as well as environmental activists protesting against the use of hydraulic fracturing for the extraction of shale gas. Moreover, demonstrations regularly held by families demanding truth about the fate of their relatives who were subjected to enforced disappearance during the 1990s are routinely dispersed.[83]

39. JS1 recommended that Algeria remove all legal and practical restrictions on the right to assemble and demonstrate peacefully and that it put an end to the police repression of demonstrations and the prosecution of peaceful demonstrators.[84]

40. Jubilee Campaign (JC)[85] and AI[86] noted that the Constitution identified Islam as the religion of the state (Article 2) and prohibited institutions from engaging in any behaviour incompatible with Islamic morality (Article 9). At the same time, the Constitution claimed to provide religious freedom and Ordinance 06-03 prohibited discrimination based on religion. However, JC considered that other contradictory laws, policies and practices restricted religious freedom for the non-Muslim minorities.[87] The Alliance Defending Freedom (ADF) considered that the Constitution did not guarantee the right to thought, conscience, and religion and that some of the Government's practices prevented people from practicing their faith freely. ADF reported that Christians and other religious minorities were often discriminated against through many sources, including Government practice, society at large, and Islamic extremism.[88]

41. For ADF Algeria should ensure that religious minorities can freely exercise their right to freedom of thought, conscience, and religion, in their worship, observance, practice, and teaching.[89]

42. JC stated that, according to leaders of various non-Muslim religious groups, the primary problem they faced was not direct interference with religious services but instead administrative and bureaucratic difficulties due to the Government's refusal to grant them legal standing.[90]

43. JC recommended that the Government provide its citizens with freedom of religion and belief as its Constitution assures; promote religious equality for all members of its population; register religious minority groups in a timely manner; and address specific factors that contribute to a climate of impunity, including the failure to investigate and prosecute crimes against religious minorities.[91] ADF recommended that the State protect religious minorities from persecution, in part by promoting interreligious dialogue.[92] JS3 recommended that Algeria amend article 144 bis (2) on blasphemy, in accordance with the right to freedom of expression.[93]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[94]

44. JS1 was of the view that the imposition of austerity measures since the fall in the price of oil in 2014 had led to the stifling of the social and trade union sectors, as seen in the current plans to reform the Labour Code. Those plans represented a step backwards for a number of rights and were not in line with international standards. The standard employment contract would henceforth be a fixed-term contract, an employment contract could be changed without the agreement of the employee, the definition of night work had changed to the disadvantage of workers and the right to strike was hampered by limitations.[95] JS1 recommended that the Government ensure that the planned reform of the Labour Code, including the provisions on the rights to strike, organize and bargain collectively and on social security and workers' health, were in line with the conventions of the International Labour Organization.[96] JS1 also recommended that Algeria take effective measures to combat discrimination against women in access to employment, remuneration and social protection and to protect women from workplace harassment.[97]

45. JS1 was of the view that Algeria had not acted on recommendation 129.108[98] from the previous review on the free establishment of autonomous trade unions and confederations. There were impediments to the registration of trade unions. Public officials did not issue proof of registration within a one-month period as required by law. In addition, the authorities interfered in the internal affairs of trade unions and "cloned" trade unions in order to choose the representatives they preferred. Many autonomous trade union members had been arbitrarily suspended or dismissed without possibility of effective remedy. Trade union activism was criminalized, and activists were regularly prosecuted.[99] JS1 recommended that Algeria guarantee in law and in practice the right to organize, including for migrant workers, that it stop harassing autonomous trade union members and reinstate trade union members who had been suspended or dismissed as a result of their union activities, that it ensure effective exercise of the right to strike and that it stop retaliating against striking workers.[100]

46. JS1 noted that informal labour still accounted for a major share of the labour market. In 2014, 5,972,000 workers of a total active population of 10,239,000 were covered by social security, whereas 4,267,000 were not. In 2012, approximately 3,890,000 people were employed in the informal economy, in particular in the retail, construction and manufacturing sectors.[101] JS1 recommended that Algeria take effective measures to combat informal labour, in particular by improving oversight of the most heavily affected sectors.[102]

Right to an adequate standard of living[103]

47. OCEANIA (OHR) recommended the Government that, when reporting for the next Cycle of the UPR, inform how it is doing on the implementation of the United Nations Sustainable Development Goals.[104]

Right to health[105]

48. The National Advisory Commission for the Promotion and Protection of Human Rights indicated that the exercise of the right to health faced a number of obstacles in connection with the epidemiological transition, the upgrade and maintenance of equipment and the development of infrastructure. Public health establishments provided free services to Algerian nationals and even to non-nationals. However, there were considerable differences in the realization of the right to health from one region of the country to another.[106]

Right to education[107]

49. The National Advisory Commission for the Promotion and Protection of Human Rights expressed the hope that in-service training of teachers and the expansion of high-quality education to include the entire country would lead to improved instruction.[108]

50. The Global Organizing for Optimal Dignity and Diplomacy (GG) recommended the Government to create a national action plan for human rights education in partnership with

students, teachers, college and university faculty;[109] and develop a national curriculum for elementary and high school so each student knows their rights as contained in the Convention on the Rights of the Child and the Universal Declaration of Human Rights that can be reported upon by the fourth cycle of the UPR.[110]

4. Rights of specific persons or groups

Women[111]

51. Regarding recommendations 129.26, 129.27, 129.29, 129.33-129.37, 129.39-129.41 and 129.44-129.49[112] accepted by Algeria during its last review, AI noted that, despite the enactment, since 2014, of a series of positive legal reforms, discrimination against women still existed both in law and practice.[113] AI regretted that Algeria did not have a law effectively criminalizing violence against women. The Penal Code made rape a crime, without defining it or recognizing marital rape. Even, a provision in the Penal Code allowed a rapist to escape prosecution by marrying the victim, if she was aged under 18. AI added that amendments to the Penal Code, adopted in December 2015, criminalized physical and psychological violence against a spouse as specific offences and broadened the current provisions on sexual harassment. However, the amendments still allowed spouses responsible for violence — unless causing permanent disability or death — to escape prosecution if the victim forgave him or her, and failed to introduce orders against offenders to protect victims from being pressured into withdrawing complaints.[114] JS4 regretted that article 336 of the Criminal Code, under which rape was considered to be a crime, did not address the different circumstances of rape in the case of lesbian, bisexual, transgender and queer women, who were often victims of corrective rape perpetrated by persons in their social or family circles.[115]

52. JS4 recommended that Algeria define spousal rape, in the law, as a separate criminal offence,[116] that it adopt a law to combat gender-based violence in cooperation with civil society and that it ensure that the victims of sexual violence, including LGBT women, had access to effective remedies.[117] HRW recommended Tunisia to adopt additional legislation enabling survivors of domestic violence to obtain protection orders from the police and from courts; and to support the development of specialized domestic violence units or district-level focal points in the police force in all regions.[118]

53. AI welcomed the enactment of Law 14-26 of 2014 aimed at providing financial compensation for the victims of sexual violence by armed groups during the internal conflict in the 1990s, when hundreds — if not thousands — of women were abducted and raped.[119]

54. AI recommended the Government to amend provisions in the Penal Code and Family Code that discriminate on the basis of gender; and adopt a comprehensive law to combat gender-based violence.[120]

55. JC indicated that the Family Code treated women as less than their male counterparts. Women were essentially considered minors who were under the legal guardianship of their husband or a male relative, regardless of the woman's age. Following revisions made to the Family Code in 2015, women no longer needed the permission of a male guardian to marry. However, it still prohibited Muslim women from marrying non-Muslim men unless the man converted to Islam. And, in divorce court rulings, followers of non-Muslim religions usually lost inheritance battles when a Muslim lays claimed to the same inheritance.[121] JS3 recommended that Algeria amend the Family Code so as to remove the distinction between Muslims and non-Muslims, in particular with regard to the right of an Algerian woman to marry a non-Muslim foreigner.[122]

Minorities and indigenous peoples[123]

56. *FLD reported on intimidation and targeting of human rights defenders working on ethnic, religious and sexual minorities, as well as indigenous rights, including defenders belonging to Mozabite and Kabyle groups.*[124] Indigenous recommended that the Government invite the Special Rapporteur on the Rights of Indigenous Peoples to visit Algeria before the end of her current mandate.[125]

Migrants, refugees and asylum seekers and internally displaced persons[126]

57. JS1 indicated that, according to official figures, more than 50,000 people had come to Algeria from various African countries in recent years. In addition, the number of refugees from the Middle East totalled around 40,000, of whom 3,000 were registered with the Office of the United Nations High Commissioner for Refugees.[127]

58. JS1 added that in the absence of an adequate legal framework for asylum, refugees lacked protection, as they were classed as persons in an irregular situation. Discriminatory practices targeting sub-Saharan migrants, the stigmatization of single mothers and migrants' irregular situation continued to be obstacles to health care. Access to education also remained very limited for migrants and asylum seekers. Migrants and asylum seekers were not guaranteed the right to work, creating a situation that exposed migrant workers to exploitation and human trafficking.[128]

59. JS1 noted that violence against migrants was on the rise in some regions.[129]

60. JS1 regretted that Algeria continued to carry out collective expulsions. In December 2014, the authorities had assembled hundreds of migrants and created records for them with a view to expelling them to a third country on the pretext that they were doing so at the request of that country's authorities. Those expulsions had led to inhuman and degrading treatment on the part of the authorities, which had used excessive force and done unnecessary material harm to the migrants.[130]

61. JS1 recommended that the Government adopt a legal framework for asylum in line with international conventions, that the United Nations High Commissioner for Refugees, and lawyers, interpreters and observers be given access to migrants and refugees throughout the country, that access to education and health care be guaranteed to all migrants and refugees, regardless of their legal status, that refugees and asylum seekers be guaranteed access to employment on the same conditions as Algerian nationals and that the situation of migrant workers be regularized.[131]

62. Recalling a recommendation accepted by Algeria in its previous UPR that supported self-determination for the Saharawi People,[132] JS2 regretted the continuing refusal of the Government to census the population of Tindouf camps and the absence of rule of law for that population. It added that, even though, Algeria used the term of "refugees" to ask for international humanitarian aid for the population in the Tindouf camps, it didn't acknowledge their status of refugee nor did recognize the rights stipulated in the Convention and the Protocol relating to the status of refugees.[133] JS2 recommended that Algeria expedite the establishing of the rule of law in all the regions that Algeria is accountable for, including the rural desert of the Southwest; acknowledge the status of refugee to the population of the Tindouf camps; and implement the related rights.[134]

63. Referring to the expulsion in 1975 of 45,000 families of nationals of a neighbouring country legally residing in Algeria, the Association des Marocains Victimes d'Expulsion Arbitraire d'Algérie (Association of Moroccan Victims of Arbitrary Expulsion from Algeria) regretted that the Finance Act of 2010 provided for the expropriation of those victims' real property, which had been deemed abandoned.[135] The Association also noted that in 2010 the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families had recommended that Algeria take all necessary measures to return the property of the migrants expelled in 1975 and to provide them with adequate compensation, a recommendation that Algeria had made no attempt to act on.[136] The Association recommended that the Government follow the recommendations made by the Committee in 2010, repeal the expropriation, provided for in the Finance Act of 2010, of the property of the arbitrarily expelled working nationals of a neighbouring country, ensure the admissibility and consideration of the appeals filed by those victims with the competent Algerian courts and clarify the fate of the nationals of the neighbouring country who had disappeared during the mass deportation in 1975.[137]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

ADF	Alliance Defending Freedom International, Geneva, Switzerland;
Alkarama	Alkarama Foundation, Geneva, Switzerland;
AI	Amnesty International, London, United Kingdom;
AMVEAA	Association des Marocains Victimes d'expulsion Arbitraire d'Algérie, Rabat, Morocco;
CNCPPDH	Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme, Algiers, Algeria;
FFF	Four Freedoms Forum Goshen, Indiana, USA;
FLD	Front Line Defenders, Dublin, Ireland;
GG	The Good (Global Organizing for Optimal Dignity & Diplomacy), Honolulu, Hawaii, USA;
HRW	Human Rights Watch, Geneva Switzerland;
INDIGENOUS	International Network for Diplomacy Indigenous Governance Engaging in Nonviolence Organizing for Understanding & Self-Determination, Kaneohe, Hawaii, United States of America;
JC	Jubilee Campaing USA, Fairfax, Virgina, USA;
OHR	OCEANIA Oceania Center for Ecology, Advocacy Non-violence Independence and Autonomy, Kailua, Hawaii, USA;
RSF	Reporters without Borders, Paris, France

Joint submissions

JS1	**Joint Submission 1 submitted by**: Collectif des familles des disparu(e)s en Algérie (CFDA), Ligue algérienne de défense des droits de l'Homme (LADDH), Réseau des avocats pour la défense des droits de l'Homme (RADDH), Rassemblement Actions Jeunesse (RAJ), Syndicat national autonome des personnels de l'administration publique (SNAPAP) avec la coordination d'EuroMed Droits et de l'Institut du Caire pour les droits de l'Homme (CIHRS), France;
JS2	**Joint Submission 2 submitted by**: the Sahara Observatory for Peace, Democracy and Human Rights (OSPDH) is submitting this parallel report to the Human Rights Council in coordination with Memory and Justice Association (MJA) , Human Rights Here and Now (HRHN) and the International Committee for the victims of the Polisario Organization (CIVOP), Laayoune, Western Sahara;
JS3	**Joint Submission 3 submitted by:** World Evangelical Alliance (WEA), L'Eglise protestante d'Algérie (EPA), the International Institute for Religious Freedom (IIRF), Aide aux Eglises dans le monde (AEM), Geneva, Switzerland;
JS4	**Joint Submission 4 submitted by**: Association Alouen, Algeria, and Mantiqitna, Brussels, Belgium;
JS5	**Joint Submission 5 submitted by**: CIVICUS, Johannesburg, South Africa and Ibn Khaldoun Center for Research and Maghrebi Studies, Brighton, UK.

[2] For relevant recommendations see A/HRC/21/13, paras. 129.1-9, 129.84, 85, 90.

[3] JS2, para. 5. See also AI, page 9, Alkarama para. 8, FLD, para. 32 (f) and JS1, para. 85.

[4] Alkarama para. 8. See also JS2, para. 8.

[5] FFF, page 3.

[6] Alkarama paras. 9-12. See also AI, page 8 and HRW, page 5.

[7] Alkarama para. 15.

[8] JS2, paras. 5 and 8. See also FLD, para. 32 (j) and JS1, para. 54.

[9] AI, page 9.

[10] HRW, page 5. See also AI, page 9 and JS1, para. 72.

[11] JS5, para. 6.5. See also FFF, page 3 and HRW, page 5.

[12] AI, page 2.

[13] HRW, page 5. See also AI, page 9 and JS1, para. 72.

[14] See document A/68/153 available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/153.
[15] CNCPPDH, pages 5-6.
[16] JS5, para. 6.6.
[17] For relevant recommendations see A/HRC/21/13, paras.129.22, 25, 50-52, 54, 55, 107.
[18] JS1, para. 73.
[19] CNCPPDH, page 3. See also AI, pages 2-3 and Alkarama para. 4.
[20] CNCPPDH, page 8.
[21] CNCPPDH, page 2.
[22] CNCPPDH, page 2. See also Alkarama paras. 6 and 8.
[23] For relevant recommendations see A/HRC/21/13, paras. 129.78.
[24] JS4, para. 1.5.
[25] FLD, para. 29.
[26] JS4, page 9.
[27] JS4, para. 2.1.
[28] JS4, page 9.
[29] JS4, para. 5.3.
[30] JS4, para. 5.6.
[31] JS4, para. 5.8.
[32] JS4, page 9.
[33] For relevant recommendations see A/HRC/21/13, paras.129.112.
[34] Alkarama para. 38.
[35] Alkarama para. 40.
[36] Alkarama para. 42. See also AI, page 9.
[37] AI, page 7.
[38] For relevant recommendations see A/HRC/21/13, paras.129.91-94, 102,103 and 105.
[39] AI, pages 2-3. See also Alkarama para. 16.
[40] AI, pages 7-8.
[41] AI, page 9.
[42] JS5, para. 6.4.
[43] JS2, paras. 3-4. See also AI, page 2.
[44] Alkarama para. 17.
[45] Alkarama para. 25.
[46] Alkarama para. 18.
[47] Alkarama para. 25.
[48] Alkarama para. 21.
[49] Alkarama para. 25. See also AI, page 2.
[50] For relevant recommendations see A/HRC/21/13, paras.129.52, 53 and 55.
[51] CNCPPDH, page 6.
[52] Alkarama para. 22.
[53] Alkarama para. 25.
[54] HRW, page 4. See also AI, page 6, Alkarama para. 23 and JS1, paras. 51-52.
[55] HRW, page 5. See also AI, page 9 and Alkarama para. 25. And JS1, paras. 89 and 90.
[56] For relevant recommendations see A/HRC/21/13, paras.129.11-15, 15-25, and 68-69.
[57] For the full text of the recommendations see A/HRC/21/13, recommendations 129.11 (France), 129.13 (Namibia), 129.16 (Slovakia), 129.20 Russian Federation, 129.21 (Switzerland).
[58] FLD, paras. 4-6. See also AI, page 4, Alkarama paras. 26-28, HRW, page 1, JS1, paras. 2-5 and JS5, para. 1.4.
[59] FLD, paras. 2-3. See also AI, page 1 and HRW, page 1.
[60] RSF, pages 1-2. See also AI, page 4, Alkarama paras. 30.36, FLD, paras. 20-26, HRW, page 3 and JS5, paras.4.2-4.6.
[61] FLD, para. 23.
[62] JS5, para. 4.1. For the full text of the recommendations see A/HRC/21/13, recommendations 129.11 (France), 129.13 (Namibia), 129.16 (Slovakia), 129.20 Russian Federation, 129.21 (Switzerland).
[63] JS5, para. 6.3. See also AI, page 8, Alkarama para. 37 and RSF pages 3-4.
[64] FLD, para. 32 (k).
[65] HRW, page 3. See also AI, page 8.
[66] JS5, paras. 3.1-3.3. See also JS1, para. 13.
[67] JS5, para. 6.3.
[68] FLD, para. 30.
[69] RSF, page 4.
[70] JS5, para. 2.5.
[71] JS5, para. 6.2. See also FLD, para. 32, JS1, para. 70 and JS4, page 10.

[72] JS5, para. 6.4.
[73] JS5, para. 2.1. For the full text of the recommendations see A/HRC/21/13, recommendations 129.11 (France), 129.13 (Namibia), 129.16 (Slovakia), 129.20 Russian Federation, 129.21 (Switzerland).
[74] Alkarama para. 2.
[75] JS5, para. 2.3. See also AI, page 5, JS1, paras. 6-9 and JS4, paras. 3.3.1-3.3.5.
[76] FLD, paras. 13-19.
[77] Alkarama para. 33.
[78] CNCPPDH, page 7. See also AI, page 8, FLD, paras. 32 (b and c), HRW, pages 2-3 and JS1, para. 68.
[79] JS5, para. 6.5.
[80] JS5, para. 6.1.
[81] JS4, page 9.
[82] JS1, para. 10. See also Alkarama para. 34, HRW, page 1, FLD, paras. 7-12, JS4, paras. 3.2.1-3.2.5 and JS5, paras. 5.3-5.4.
[83] AI, page 4.
[84] JS1, para. 69. See also AI, page 8, Alkarama para. 37, HRW, pages 1-2 and JS4, page 10.
[85] JC, paras. A.4-A.6. See also AI, page 4 and JS3, paras. 3-10.
[86] AI, page 4.
[87] JC, paras. A.4-A.6. See also JS3, paras. 3-10.
[88] ADF, paras. 27 and 16.
[89] ADF, para. 28.
[90] JC, para. A.9.
[91] JC, paras. C.1-C.3.
[92] ADF, para. 29.
[93] JS3, para. 14.
[94] For relevant recommendations see A/HRC/21/13, paras.129.8, 59 and 81.
[95] JS1, paras. 40-45.
[96] JS1, para. 82.
[97] JS1, para. 84.
[98] For the full text of the recommendations see A/HRC/21/13, recommendation 129.108 (Uruguay).
[99] JS1, paras. 34-39.
[100] JS1, paras. 79-81.
[101] JS1, para. 49.
[102] JS1, para. 83.
[103] For relevant recommendations see A/HRC/21/13, paras.129.62-64 and 81.
[104] OHR, page 3.
[105] For relevant recommendations see A/HRC/21/13, paras.129.70-72, 75-77 and 80-81.
[106] CNCPPDH, page 8.
[107] For relevant recommendations see A/HRC/21/13, paras.129.39, 57, 58, 60, 70, 73-81 and 106.
[108] CNCPPDH, pages 7-8.
[109] GG, page 2.
[110] GG, pages 2-3.
[111] For relevant recommendations see A/HRC/21/13, paras.129.26-49, 63, 83-85.
[112] For the full text of the recommendations see A/HRC/21/13, recommendations 129.26 (Chile), 129.27 (Uganda), 129.29 (Côte d'Ivoire), 129.33 (Egypt), 129.34 (Turkey), 129.35 (Pakistan), 129.36 (State of Palestine), 129.37 (Singapore), 129.39 (Thailand), 129.40 (Brazil), 129.41 (Uganda) and 129:44 (UAE), 129.45 (USA), 129.46 (Bahrain), 129.47 (Malaysia), 129.48 (Iran), 129.49 (Kuwait).
[113] AI, page 5. See also HRW, page 4.
[114] AI, page 5. See also JS4, para. 4.5.
[115] JS4, paras. 4.2-4.4.
[116] JS4, para. 4.8.
[117] JS4, page 9.
[118] HRW, page 4.
[119] JS4, paras. 4.2-4.4.
[120] AI, page 8.
[121] JC, para. A.7. See also AI, pages 5-6 and JS3, para. 12.
[122] JS3, para. 18. See also JC, para. C.4.
[123] For relevant recommendations see A/HRC/21/13, paras.129.110.
[124] FLD, para. 27.
[125] INDIGENOUS, page 3.
[126] For relevant recommendations see A/HRC/21/13, paras.129.9.
[127] JS1, para. 16.
[128] JS1, paras. 17-21. See also AI, page 7.
[129] JS1, para. 28.

[130] JS1, para. 29. See also AI, page 7.
[131] JS1, paras. 73-77. See also AI, page 9.
[132] For the full text of the recommendations see A/HRC/21/13, recommendation 129.110 (Namibia).
[133] JS2. paras. 9-15.
[134] JS2, para. 18.
[135] AMVEAA pages 2-3.
[136] AMVEAA page 4.
[137] AMVEAA page 5.